

**REMARKS**

**Claim Rejections**

Claims 8-10 are rejected under 35 U.S.C. § 112, second paragraph. Claims 3-6 and 8-10 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Kouramanis et al. (US 2005/0062858) in view of Dye (5,664,162).

**Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

**New Claims**

By this Amendment, Applicant has canceled claims 1-10 and has added new claims 11-14 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a portable digital graphic processing device for use with an external device comprising: a dual interface controller (101) providing an interface signal and serving as a interface channel for the external device to transmit data; a first memory module (103) having at least one non-volatile memory and storing digital data; a second memory module (104) having at least one non-volatile memory and storing digital data; a data processing unit (102) connected with the dual interface controller by a semiconductor circuit design providing a digital graphic data processing and computation capability; a carrier, the dual interface controller, the first memory module, the second memory module, data processing unit, and a dual interface circuit layout are located in the carrier; and the dual interface circuit layout (Pins 1-10) including a first circuit and a second circuit, the

first circuit including four pins (Pins 1-4) spaced apart, the second circuit including six pins spaced apart, the six pins (Pins 6-10) are located between the four pins and the carrier; wherein the dual interface controller and the first memory module are connected to the data processing unit by the first circuit for selectively writing data to and reading data from the first memory module, the dual interface controller and the second memory module are connected to the data processing unit by the second circuit for selectively writing data to and reading data from the second memory module, the dual interface controller transmitting data to the data processing unit for data processing, the dual interface controller transmitting processed data to the external device expediting and enhancing a graphic data processing capability of a system of the external device.

Other embodiments of the present invention include the second memory module is integrated into the data processing unit utilizing a semiconductor technology; the first memory module is integrated into the data processing unit utilizing a semiconductor technology; and the four pins of the first circuit have a USB interface layout and include at least one USB interface signal.

The primary reference to Kouramanis et al. teaches an image processing apparatus in a handheld device having a base band receiver (250) including a first memory device (204), a graphic processor (206), and a second memory device (208).

Kouramanis et al. do not teach an dual interface controller; the dual interface circuit layout including a first circuit and a second circuit; the first circuit including four pins spaced apart; the second circuit including six pins spaced apart; nor do Kouramanis et al. teach the six pins are located between the four pins and the carrier.

The secondary reference to Dye teaches a graphics accelerator and is cited for teaching a dual interface. Dye teaches using transceivers (106) to interface a graphic processor (100) what a system bus (102) utilizing a HBUS connected to a private memory DRAM (116).

Dye does not teach the dual interface circuit layout including a first circuit and a second circuit; the first circuit including four pins spaced apart; the second circuit

including six pins spaced apart; nor does Dye teach the six pins are located between the four pins and the carrier.

Even if the teachings of Kouramanis et al. and Dye were combined, as suggested by the Examiner, the resultant combination does not suggest: the dual interface circuit layout including a first circuit and a second circuit; the first circuit including four pins spaced apart; the second circuit including six pins spaced apart; nor does the combination suggest the six pins are located between the four pins and the carrier.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to

coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Kouramanis et al. or Dye that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Kouramanis et al. nor Dye disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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